

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Carlos Alvarez Chicas, et al.,

Plaintiffs,

-against-

Kelco Construction, Inc., et al.,

Defendants.

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1:21-cv-09014 (JGLC) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

On May 29, 2024, a consensual resolution was reached by and between Defendants and *Pro Se* Plaintiff Carlos Alvarez Chicas (“Alvarez Chicas”), and by and between Defendants and *Pro Se* Alonso Villatoro (“Villatoro”). (5/29/24 Minute Entry; 5/30/24 Order, ECF No. 200, at 2.) On July 2, 2024, the parties filed a “Stipulation of Voluntary Discontinuance With Prejudice,” which was duly executed by counsel for Defendant, Alvarez Chicas, and Villatoro. (Proposed Stip. Voluntary Discontinuance, ECF No. 205.)

This case contains one or more claims arising under the Fair Labor Standards Act (“FLSA”). Because this action involves FLSA claims and in light of the requirements of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the parties must file a joint letter or motion that addresses whether the settlement reached between the parties is fair and reasonable (the “*Cheeks* Submission”).

Any such letter or motion shall be filed by Friday, August 9, 2024, and should address the claims and defenses, the defendants’ potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs’ case and the defendants’ defenses, any other factors that justify the discrepancy between the potential value of plaintiffs’ claims and

the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.

The parties are reminded that they may consent to the undersigned's jurisdiction pursuant to 28 U.S.C. § 636(c), to address the *Cheeks* Submission. To consent to the undersigned's jurisdiction, please utilize the form to [Consent for All Purposes](#) or [Consent for Specific Dispositive Motions](#), which are hyperlinked herein and also available on the undersigned's Individual Practices Webpage.

SO ORDERED.

Dated: New York, New York
July 9, 2024

A handwritten signature in black ink, reading "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge